THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.15898 of 2006

DATED 06.11.2006

Between:

Gowthamnagar Welfare Association, an Association registered under the provisions of A.P. (T.A.) Public Societies Registration Act, 1350 Fasli, represented by its Secretary V.R.K.Rao … PETITIONER

versus

Hyderabad Urban Development Authority, At Secunderabad, represented by its Vice Chairman and Managing Director and four others. … RESPONDENTS

WRIT PETITION NO.15898 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the 1st respondent in alienating the property belonging to the 5th respondent situated at S.Nos.11/2, 11/3, 11/34, 11/36, 11/31P, 11/33P, 13, 14, 15, 17, 19, 20, 22, 23, 26, 27, 29, 32 and 34 of Khanamet village, Serilingampally Mandal, Ranga Reddy District as being illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents 1 to 4 not to alienate the same and also not to dispossess the members of the petitioner-society from the said land and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition. It is also stated that this Court had disposed of Writ Petition No.13114 of 2006 on 29.6.2006 observing as hereunder:

> "The Division Bench, in fact, observed that the writ petitioners, if they are so interested, may file appropriate applications before the competent authority within eight

weeks from the date of the order and in such an event the same shall be disposed of within four months from the date of filing of the same. During the pendency of consideration of the request, if any, to be made by the petitioners, by the contempt authorities, the writ petitioners shall not make any construction whatsoever nature and shall maintain status quo existing as on that day in all respects. They shall not alienate or encumber the lands in their possession or any portion thereof in any manner whatsoever.

In the light of the same, it is needless to say that till the applications made by the members of the petitioner-association are disposed of by the 3rd respondent, the authorities are bound to obey the orders made by the Division Bench i.e., to maintain status quo. Hence, it is clarified that the order of status quo to be maintained as directed by the Division Bench and it is needless to say that the order of status quo shall also operate against the petitioner or its member insofar as the construction is concerned. With the above direction, the Writ Petition is accordingly disposed of".

Further, the learned counsel for the petitioner also placed before this Court an order made by this Court on 13.9.2006 in WP No.18499 of 2006, wherein the learned Judge observed as hereunder:

"The petitioner purchased the land in survey No.13 from the Trust. When the Department of Endowments initiated action for eviction of the occupants on the ground that the sale in their favour was void, some of the persons filed writ petitions and they were dismissed. However, in appeal, a Division Bench of this Court in Sect. To Govt., Revenue (Endowments) Dept. v. S.S.A.C.H.S. Ltd. (2003(6) ALD 225 (DB), directed the Commissioner of Endowments to consider the applications of the petitioners for regularization. The Division Bench also observed as under:

'The writ petitioners, if they are so interested, may file appropriate applications before the Competent Authorities within eight weeks from today and in such an event the same shall be disposed of within four months from the date of filing of the same.

During the pendency of consideration of the request, if any, to be made by the petitioners, by the Competent Authorities, the writ petitioners shall not make any construction of whatsoever nature and shall maintain status quo existing as on today in all respects. They shall not alienate or encumber the lands in their possession or any portion thereof in any manner whatsoever'.

In view of the above observations, the official respondents are precluded from taking any adverse action against the petitioner. This is not denied. Further this Court has already disposed of similar writ petitions, being W.P.No.11819 of 2006 by order dated 15.6.2006 and W.P.No.13114 of 2006 by order dated 29.6.2006.

The writ petition, with the above observations and following the decision of the Division Bench referred to hereinabove, is accordingly disposed of. No costs".

4. In the light of the facts and circumstances, the present Writ Petition is disposed of with a direction to maintain status quo existing as on today and it is needless to say that the order of status quo also would operate against the petitioner and its members so far as the construction is concerned. No costs.

06.11.2006

SSR